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| 10/502,258 | 05/13/2005 | Andreas Myka | 617-011875-US (PAR) | 5387 |
| 2512 | 7590 | 10/24/2008 | | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | EXAMINER RAMPURIA, SHARAD K | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/502,258 | Applicant(s) MYKA ET AL. | |
| | Examiner SHARAD RAMPURIA | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Glorikian** [US 6343317 B1] in view of **Heinonen; Eeva-Liisa et al.** [US 6728530 B1].

As per claim 1, **Glorikian** teaches:

A system, (Abstract) comprising:

A first data storage (41; Fig.2) in a mobile terminal (29; Fig.2, Col.3; 54-63), the first data storage being adapted to store information, (Col.3; 54-63),

a second data storage including external data, the system further comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, (e.g. In this embodiment of the invention a secondary communication link is opened between Internet appliance 71 and a location system 73 provided by the host of the indoor exhibit. The purpose of this communication is to establish the position and dynamics of movement of a user of appliance 71 within the confines of the indoor exhibit, The skilled artisan will recognize that there are alternative ways this may be done; Col.7; 59-66, and also e.g. If at step 89 the determination is that the service is local position but Internet information, the appliance determines local position at step 97 (communication with local position system) and passes the position data to the Internet service, which pulls info and pushes it to the client at step 99. Again, dynamic data may be determined and used as well, as previously described, and the system continues to loop (101) re-determining position and continuing to access and push information. The loop may periodically revert at least to step 87 as well, as also previously described; Col.9; 18-43) and

A second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal. (e.g. the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9).

Glorikian doesn't teach specifically, at least one remote data repository connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal. However, **Heinonen** teaches in an analogous art, that at least one remote data repository connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal. (e.g. Col.7; 20-65) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention including at least one remote data repository connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal in order to provide a Calendar display apparatus, and an associated method, displays the calendar display at a mobile terminal operable in a radio communication system. The calendar display includes calendar items retrieved from both a local storage element and from a network-based calendar database.

As per claim 2, **Glorikian** teaches a system according to claim 1, the system further comprising an accessor to an external network for retrieving said external data. (e.g. where the

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appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 3, **Glorikian** teaches a system according to claim 2, wherein said external network is the Internet. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 4, **Glorikian** teaches a system according to claim 1, wherein the external data is retrieved from an external network to which the data repository is operationally connected. (where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 5, **Glorikian** teaches a system according to claim 1, wherein items i), ii), iii) and iv) are located in a computer. (computer: Col.3; 31-38)

Claims 6-9 is the **method** claims corresponding to **system** claims 1-4 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-4 respectively, above.

Claims 10-12 is the **apparatus** claims corresponding to **system** claims 1-3 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-3 respectively, above.

As per claim 13, **Glorikian** teaches:

An apparatus according to claim 10, wherein the apparatus further comprises retrieval means for retrieving the external data from an external network being operationally connected to the data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 14, **Glorikian** teaches:

A system according to claim 1, wherein external data retrieved from the second data storage is analyzed or handled and the results are stored in the at least one remote data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 15, **Glorikian** teaches:

A system according to claim 1, wherein rules for selecting the data to be delivered are generated automatically or manually. (e.g. server, 13; Col.8; 16-26, 38-45)

Response to Remarks

Applicant's arguments filed on 07/16/2008 have been fully considered but they are not persuasive.

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Relating to Claim 1:

In view of the fact, that **GLORIKIAN** teaches, “Referring now back to FIG. 1, a client using unit 29, for example, moving about geographically, with unit 29 on and operating, is connected to server 13 through Internet backbone 22, which represents all of the loosely defined Internet connection and interconnection pathways. Server 13 may have local access to a data repository of any convenient type and size, upon which may be stored any convenient information. Server 13 also has access through backbone 22 to the rest of the Web, represented by Web servers **WS115 and WS217**, which may have access to other databases and yet other repositories.” (Glorikian, e.g. WS1 15 and WS2 17; Col.5; 26-36, Col.7; 59-Col.8; 10, Col.10; 57-62). Thus, it is evidently, the explanations above are directed to telecommunications systems and methods for mobile retrieved information from external data storages such as web-servers that positively, edify by **GLORIKIAN**. Hence, it is believed that **GLORIKIAN** still teaches the claimed limitations.

Similarly, that **Heinonen** teaches, “The calendar items displayed at the second screen body portion 84 are, initially, network-stored calendar items, i.e., calendar items retrieved from **the network calendar database 66** (shown in FIG. 1). The calendar items "Tampere basketball starts," "Tampere basketball finals," and "Ilves-Tampere, Hakametsa" are such network-based calendar items.” (**Heinonen**, e.g. 66; Fig.1; Col.4; 12-34, Col.7; 28-40, Col.8; 40-46). Thus, it is evidently, the explanations above are directed to telecommunications systems and methods for at least a selected network-based calendar item stored at the network-based calendar information source and at least a selected mobile-based calendar item are retrieved. And, as indicated, a selected network-based calendar and a selected mobile-based calendar item are together

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displayed at a display element of the mobile terminal that positively, edify by **Heinonen**. Hence, it is believed that **Heinonen** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above one skill in the art would recognize the amalgamation of the above two references is still teaches the claimed limitations, the refutation are sustained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
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